



DEVELOPMENT PLAN PANEL

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 30th January, 2024
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar
B Anderson
K Brooks
C Campbell
P Carlill
R Finnigan
C Gruen (Chair)
H Hayden
J McKenna
H Bithell
A Carter

Please do not attend the meeting in person if you have symptoms of Covid-19 and please follow current public health advice to avoid passing the virus onto other people.

Note to observers of the meeting. To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

<https://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=450&MId=12239>

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes).</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence and notification of substitutes.</p>	
6			<p>MINUTES</p> <p>To receive and consider the attached minutes of the previous meeting held on the 26th of September 2023.</p>	7 - 14
7			<p>INTERIM UPDATE ON THE LOCAL PLAN UPDATE: YOUR CITY, YOUR NEIGHBOURHOOD, YOUR PLANET</p> <p>The report of the Chief Planning Officer provides Members of Development Plan Panel with an interim update on initial analysis of consultation comments received on the 'Local Plan Update – Your Neighbourhood, Your City, Your Planet', following the close of consultation on Pre-Submission Changes which closed on the 11th December 2023.</p>	15 - 22
8			<p>NATIONAL PLANNING CHANGES</p> <p>The report of the Chief Planning Officer outlines that on 19 December 2023, the Government published a revised National Planning Policy Framework (NPPF) document. On 26 October the Levelling Up and Regeneration Act (LURA) became law.</p>	23 - 30

Item No	Ward	Item Not Open		Page No
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as the 26th of March 2024 at 1:30pm</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

Development Plan Panel

Tuesday, 26th September, 2023

PRESENT: Councillor C Gruen in the Chair

Councillors J Akhtar, B Anderson,
K Brooks, P Carlill, H Bithell, K Dye and
A Lamb

9 Appeals Against Refusal of Inspection of Documents

There were no appeals.

10 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

11 Late Items

There were no late items.

12 Declaration of Interests

Members did not declare any interests at the meeting.

13 Apologies for Absence

Apologies for absence were received from Councillor C Campbell, Councillor J McKenna, Councillor H Hayden, Councillor A Carter and Councillor R Finnigan, with Councillor A Lamb substituting for Councillor A Carter and Councillor K Dye substituting for Councillor J McKenna.

14 Minutes

RESOLVED- That the minutes of the Development Plan Panel meeting held on the 18th of July 2023, be approved as an accurate record.

15 Matters Arising from the Minutes

Referring to the intention for a report regarding the Biodiversity and Nature Recovery Update to be submitted to the Executive Board in September 2023, detailed at minute 7 at page 7 of the report pack, The Head of Strategic Planning noted this had been deferred. Reason for this were due to outstanding information regarding the legal implications of the Council acting as a Habitat Bank against the Environment Act 2021 with a response from the Department for Environment Food and Rural Affairs awaited prior to progressing the report to Executive Board and also attempting to identify alternative options.

16 Local Plan Update 1 (Pre-Submission Changes Consultation)

The report of the Chief Planning Officer outlined that following detailed consideration of consultation responses to the Publication draft policies of the Local Plan Update, a range of changes were proposed to the draft policies before the Plan will be submitted to the Secretary of State. The report requested endorsement of the revised Local Plan Update 1 (LPU1) Draft policies and a recommendation to

Draft minutes to be approved at the meeting
to be held on Tuesday, 14th November, 2023

Executive Board to approve further public consultation on this pre-submission draft as well as accompanying consultation documentation.

The Head of Strategic Planning presented the report, providing Members with the following information:

- The revised suite of policies were noted to be ambitious and had been influenced by the Council's three pillars of the Best City Ambition (Health and Wellbeing, Inclusive Growth and Zero Carbon), with policy developed to improve built development quality and travel infrastructure, whilst protecting nature.
- The LPU1 policies had been subject to two key consultations and was on a final round prior to submission to the Secretary of State and Planning Inspectorate. The final consultation was for discreet, specific changes.
- The following key amended, and newly developed policies were presented to Members for their views and suggestions:
- *Replacement Policy EN1B Carbon Reduction* – This policy had been changed in response to comments received from bodies within the built development industry regarding a transitional period to enable the industry to adjust to net zero developments. The original proposal had been ambitious and challenging and also exceeded current and projected Building Regulation standards, set nationally by the Government, including the introduction of metrics surrounding energy use intensity (EUI) and consideration of the fabric and orientation of buildings. Developers and architects had noted feasibility issues and that the industry was not yet equipped to respond, largely due to supply chain issues. The transition period that had been developed into the policy was, that from the point of adoption (likely late 2024) up to December 2027, developments will be expected to meet interim EUI and Space Heating Demand targets, but not be expected to pay an off-setting contribution from any carbon that they could not address on-site as the evidence showed this was too expensive and, from January 2028, required to meet EUI and Space Heating Demand targets and off-set any carbon that they could not address on-site.
- *EN2 – Sustainable Design and Construction* – Originally intentions were for commercial developments to meet BREEAM Outstanding standards, however, as Outstanding had only been achieved by 1% of the top buildings in the UK, and following consultation with industry bodies, it had been deemed largely unfeasible. The new expectation was an Excellent rating as a minimum for commercial developments and noting a Communities rating for mixed use developments comprised of over 100 residential units or 10,000m² floor space, which would overlap with wider design coding through the requirements of the Regeneration and Leveling Up bill.
- *New Policy EN3 – Renewable Energy Generation* – In response to comments from Natural England, nesting bird locations on functionally linked land, as part of, and nearby, the South Pennine Moors, will be taken into account for solar farm sites. Assessments will have to show no effect on the functionally linked land and the Habitats Regulations Assessment had assessed the revised policy and concluded that no likely significant effects will arise from this policy.
- *New Policy G10 – Biodiversity Enhancements for Species* – Government guidance around net zero and supplementary documents to the Environment

Act 2021, had introduced policy for swift and bat nesting for both minor and major development.

- *New Policy SP1A – Achieving Complete, Compact and Connected Places* – This policy had been changed to better reflect its ambitions and reflecting on terminology used in the Town and Country Planning Association 20 Minute Neighborhood Guide. The policy will now focus and refer to complete, compact and connected places.
- *G4 – Green Space* – Following emerging play sufficiency policy within the Council, this was proposed to be incorporated to the placemaking and green spaces policies to reflect the need for sufficient provision, to link up with wider Council strategies. The associated strategy was due for consideration by the Executive Board in December 2023.
- It was also noted that there were maps still to be added to the documents prior to its publication, including a more detailed Ordinance Survey base layer of the Leeds Habitat Network, Green and Blue Infrastructure Network, Long Established Woodland and Energy Opportunity Areas.

Members discussed the following key matters:

EN1B

- The need to retro fit buildings was outlined to likely not be required for developments within the transition period due to the encouragement of energy reduction building techniques and considerations which aim go further than the Government Building Regulations. The intention of the transition period was to alleviate the use of offsetting carbon when not achieved on site and then to allow policy to create full net zero developments. This gap would in time be remedied by decarbonisation of the national grid in due course, outside the control of the Council.
- It was noted that a December 2026 deadline would have given the industry three years to adapt, and if applied across all authorities, time and market pressures would be sufficient to establish relevant supply chains and practices.
- The Local Government Association, which was recently under new leadership, had argued policy should be locally led and local authority aspirations should be dealt with more efficiently to address key issues.
- In response to questions regarding the applicability of the transition period for approved planning applications or all developments built after the time expired, it was outlined that the more ambitious new EUI targets will be applied from January 2028 for all approved planning applications after this date, with a projection that if development built out within 2 years all developments in Leeds from January 2030 will be net zero. Members recommended that additional wording be added to clarify this point.
- A rush of applications coming forward before the January 2028 deadline was not expected as developers seek permissions on what they can deliver at that time, and it had not been the case when new policies had been introduced in the past.
- To discourage the process of offsetting carbon through payments or off site schemes, it was noted there was a hierarchical element to policy EN1B and an application will have to go through checks and balances to determine the validity of their inability to deliver on site, with energy statements required as part of the process.

- If skills and development within the industry and relevant stakeholders was needed, as part of the request for a transition period, this will need to be prioritised. Although this was outside of the control of the planning department, it could be, and was beginning to be, addressed through the Inclusive Growth Strategy, as well as cross service and partnership working.
- There were components of the policy plan and timeframes which were outside of the control of the Council's sphere of influence, such as the decarbonisation of the national grid, so Members suggested additional wording, as a point of arrangement, to ensure by 2030 developments will be net zero. It was noted that all developments from January 2028 will be net zero through the challenging targets, off setting and retrofitting.
- Concerns were raised regarding the potential effect the transition period would have on the carbon budget for Leeds. Officers noted this was a challenging topic to decipher and would provide Members with an update once more data had been gathered and further text can be added to conceptualize net zero against the carbon budget.
- The decarbonisation of the national grid was outlined to be one out of a multitude of factors that would allow a development to be net zero and the EUI targets will encourage more efficient use of energy and heat, so although decarbonisation of the grid was an integral factor to net zero, it was not stand alone.
- Promotion of on site renewable energy sources, resistance to fossil fuel usage and reducing the need for overall energy requirements to heat and power buildings will be prioritised, rather than offsetting carbon, prior to the decarbonisation of the grid which was external to the influence of developers and the Council.
- It was noted that the transition period, and the overall net zero by 2030 ambition may allow a more achievable pathway and displayed engagement with developers. This allowed greater justification of the ambitious policies when submitted for examination to the Planning Inspectorate.
- Concerns were raised regarding the use of 'encourage' and 'promote' for policy wording which may increase the capacity for developers to raise viability issues during the transition period, whilst also potentially creating difficulties during determination of applications, regarding how much weight the policy will hold during the transition period.
- To monitor the development of skills and methods required for developers to achieve the end net zero targets, it was outlined that post decision and post construction monitoring was planned to ensure consistent standards.
- In order to monitor standards as developments can often take a number of years, conditions regarding the implementation of policy can be added to a decision, as well as providing supporting text to policy, however, approved applications will be held against the policies at the time of approval.
- In order to alleviate pressures on the carbon budget and to limit viability issues being raised, the transitional period will need to be proportionate to the industries response. It was noted by Officers that the EUI targets will encourage developers' attention to improving efficiency and the reduction of carbon use, as will be expected of them once policy had been fully adopted.
- The Panel recommended that the transition period be reduced so all applications approved from January 2027 must adhere to the final EN1B

requirements so that all new development built from 2030 will be net zero, and to amend the wording for '*in order to achieve the above, applications will be expected to meet the following Transitional Energy Use Intensity (EUI) and Space Heating Demand targets*' to '*in order to achieve the above, applications will meet the following Transitional Energy Use Intensity (EUI) and Space Heating Demand targets.*'

EN2

- It was outlined that achieving Outstanding ratings for buildings was still desirable and a suggestion was made to include additional wording in the policy to encourage more than 1% of buildings meeting this standard.

SP1A

- Although reference was made to the reduced need for motor vehicles, it should be expressed in the policy wording that there is an overall reduction in the need to travel for key services and amenities.
- For instances where this policy is unable to be delivered, which will be dependant on a developments location, it was noted that the policy was an ambition and sets out how the planning system can influence areas operating with sufficient community amenities.
- The policies methodology will assist with preparations for Leeds Local Plan 2040, addressing the sustainability of a given area when determining applications.
- In response to a question regarding the defence mechanisms for existing residents when applications were not compliant and pressure on existing services was expected, it was outlined that the policy sets out a clear approach to spatial strategy, which will influence further policy development for Leeds Local Plan 2040 and the determination for the level of compliance with the policy will be a balance of material considerations.
- The policy was noted to have a wide scope of influence to connect with other strategies, particularly transport, as a framework for connectivity. Some doubt was cast on the impact and feasibility of implementing the policy, given the differences in areas across the district.
- Further to the policy wording, '*Encourages mixed uses and innovative and flexible design of buildings and spaces to provide multifunctional uses to facilitate thriving local economies and inclusion; important for sustaining a wider range and level of services and infrastructure as well as creating a sense of place with a recognisable centre and identity*', specific reference to provision of socially beneficial infrastructure, such as community centres, was recommended to be included.
- Concerns were raised surrounding the ability of the policy to be delivered and may contribute to public frustration with the planning process. In response Officers noted that when applied to development in existing places, the policy will contribute to cohesive, socially beneficial infrastructure, as far as practicable when considering the merits of an application and its location. Emphasis on the needs of an area will be stressed against this policy, to assimilate new developments into existing communities.
- Addressing the needs of an area against site allocation plans was queried as there will be an inability for provision in some places. It was noted that this policy brings together a multitude of ambitions and was ambiguous to inspire what should be provided for communities against the mapping tools and public opinion.

- In relation to existing site allocation plans, this new policy was limited in its capacity to identify pressures on existing services, but will be useful for being mindful when considering new applications and allocations.
- It was recommended that additional language be added to the policy to outline the reality of outcome to residents. A workshop to consider this policy and site assessment criteria in depth had been scheduled.

Additional comments

- An update will be provided to Members to identify whether existing policy or transport strategy can be potentially utilized for developer contributions to the Leeds city bike hire scheme.
- To supplement the large volume of information contained in the policy document, a summary of what was open again for consultation and why certain resolutions had been reached will be published, allowing the process to be accessible and understandable for the public.

The discussion and recommendations of Panel Members, that will be incorporated into the Local Plan Update 1 policies, were summarised as follows:

- Policy EN1B – To change the transition period end date from 31st December 2027 to 31st December 2026 to ensure that (because some planning permissions may take up to 3 years to implement) all new development will be built to net zero standards from 1st January 2030 in line with the Net Zero Ambition of the Council.
- Policy EN1B – To change the transitional energy use intensity targets and space heating requirement wording from “*applications will be expected to meet*” to “*applications will meet*” to ensure that during the transition developers understand fully their obligations.
- Policy EN2 – amend to read “Non-domestic buildings are expected to deliver at least an **Excellent** rating *and those with an **Outstanding** rating will be encouraged and supported*” to promote ambition.
- Policy G4 – Amend to add explicit reference to “play sufficiency” in line with the Council’s emerging or subsequent local play sufficiency assessments.
- Policy P10 – Amend to add explicit reference to “play sufficiency” in line with the Council’s emerging or subsequent local play sufficiency assessments.
- Policy SP1A – Amend justification to insert “social infrastructure and community facilities including community halls” into the list of amenities.
- Policy SP1A – Amend justification to add explanation of the policy to clarify the expectations of the policy as follows: “Achieving complete, compact and connected places is an aspiration of the Council, because it brings together a wide range of policies for sustainable development that align with its Best City Ambition. The policy sets out all of the aspects of a complete, compact and connected place, which will help to guide new development allocations in the district. However, it is recognised that not all existing places will be able to meet all of these characteristics because of the existing patterns of development and levels of services.”

RESOLVED –

Draft minutes to be approved at the meeting
to be held on Tuesday, 14th November, 2023

a) That, subject to the amendments outlined above, the proposed Pre-Submission Draft changes, and supporting paragraphs of the Local Plan Update 1, as set out in Appendix 1, and as a schedule of changes in Appendix 2 and the Sustainability Appraisal, as set out in Appendix 3, be endorsed and recommended to the Executive Board.

b) That the approval of a 6 weeks consultation of the proposed Pre-Submission Draft changes and supporting paragraphs as set out in Appendix 1 and Appendix 2, which will form the content upon which representations are sought, together with supporting technical information (comprising Sustainability Appraisal at Appendix 3, Habitat Regulations Assessment Screening at Appendix 4, Report of Consultation at Appendix 5 and Duty to Co-operate Statement at Appendix 6) and note that this will be accompanied by additional draft supporting consultation documentation, including the Council's evidence base and background papers alongside accessible summary material for consultation purposes, be recommended to Executive Board.

17 Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms

The report of the Chief Planning Officer outlined the proposals by the Government, which were out for consultation between 25 July to 18 October 2023, on implementation of plan-making reforms.

The Head of Strategic Planning and Principal Planner from City Development, presented the report, providing Members with the following information:

- The Government consultation specially related to proposals regarding plan making, as part of the Leveling-Up and Regeneration Bill and alongside the planning reform white paper of 2020.
- Key points from the consultation were noted as vision, plan content, shorter and simpler timeframes, frontloading the process, consultations, access to information, monitoring and digitalization.
- Previous consultation responses had been incorporated and taken into account before the Government had resubmitted the consultation.
- The proposals had been broadly welcomed but had raised some concerns and this Bill formed part of bigger reforms and plans being taken forward.

Members discussed the following key matters:

- The 30 month turnaround timeframe was noted to be short considering the wide scope of debate and consultation that go alongside complex policy development and adoption. It was noted that the initial scoping was not included in the 30 month timeframe and had no attached time limit.
- The Statement of Community Involvement (SCI) and the open consultation with the public conducted in Leeds, was considerable and the response to the Government will outline this as a concern as well as querying whether the SCI will remain or be replaced by project initiation documents.
- It was confirmed that the reform was proposed to cover all development plan policy, including Site Allocation Plans, however it was unclear whether it will also cover neighbourhood policy.
- As the development and adoption of policy can be delayed by factors outside of the Council's control, the response noted that the 30 month timescale was unreasonable, especially given the planning system's resource issues, within

Local Authorities and Planning Inspectorates. Policy progressed at the pace of the slowest responder.

- Comments from other Local Authorities had been similar, and although there was sense in the consultation, the 30 month time frame being unachievable had overshadowed the overall contents.
- It was not known whether sanctions will be in place for not meeting timeframes, but the gateways will be a point of determining achievability and a request had been made for the same Planning Inspectorate to deal with each policy development, to allow consistency.
- It was outlined that a specific timeframe the Council could propose to work to had not been included within the response but given the complexity and scale of the process in Leeds, it was difficult to define a plan time frame.
- As part of the Council's response, it had noted gateway 3 was an appropriate time to pause the clock on the timeframe and allow consultation to reach agreements with Government as to much time was required to complete the process.
- The gateways were to frontload and de-risk the process, allowing early contact with a Planning Inspectorate to encourage peer support and identification of unnecessary work at an earlier stage.
- It was unclear whether Supplementary Planning Documents were to be replaced, although the intention was thought to allow new supplementary guidance to be developed alongside headline policies. Further information on this issue was to be sought.
- Digital consultation, although useful and saved time and resources, it will raise issues of exclusion. The Council still intended to hold open, public engagement and provide feedback.
- Neighbourhood plans were noted to be complex and had a requirement to conform with the generality of reasonable public comments. Further details on the bills impact upon neighbourhood plans was needed.
- Members requested that the updated response be provided back to them prior to it being sent to Government.

RESOLVED – That the contents of the report, along with Members comments regarding the Councils consultation response, which will be sent by the Chief Planning Officer following further consultation with the Executive Member for Sustainable Development & Infrastructure, be noted.

18 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as the 14th of November 2023 at 1:30pm.

The Head of Strategic Planning noted that Planning Officers will be consulting with Members to seek their availability to hold workshops covering LPU1 and Leeds Local Plan 20240.

Interim Update on the Local Plan Update: Your City, Your Neighbourhood, Your Planet

Date: 30th January 2024

Report of: Chief Planning Officer

Report to: Development Plan Panel

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This report seeks to provide Members of Development Plan Panel with an interim update on initial analysis of consultation comments received on the 'Local Plan Update – Your Neighbourhood, Your City, Your Planet', following the close of consultation on Pre-Submission Changes which closed on the 11th December 2023. This plan has the objective of supporting the Council's declared Climate Emergency and Net Zero Strategy through a range of policies including around design, placemaking, flood risk, green and blue infrastructure, biodiversity and net zero carbon buildings.

The report also includes information on a new Written Ministerial Statement (WMS) that was published by the Government on the 13th December 2013. The intent of this Statement is to limit the ability of Local Authorities from setting their own zero carbon building policies. It is therefore of relevance to some of the Local Plan Update policies.

Recommendations

That members note the contents of this report.

What is this report about?

- 1 This report seeks to provide Members of Development Plan Panel with an interim update on initial analysis of consultation comments received on the 'Local Plan Update – Your Neighbourhood, Your City, Your Planet', following the close of consultation on Pre-Submission Changes which closed on 11th December 2023.
- 2 The report also includes information on a new Written Ministerial Statement (WMS) that was published by the Government on 13th December 2013. The intent of this Statement is to limit the ability of Local Authorities from setting their own zero carbon building policies. It is therefore of relevance to some of the Local Plan Update (LPU) policies e.g. operational energy and sustainable construction. Given the importance of the WMS to the progression of the LPU this matter is addressed first.

Written Ministerial Statement – ‘Planning – Local Energy Efficiency Standards Update’ 13th December 2023

As part of the preparation of the Local Plan Update Members have been made aware of national policy issues presented by a March 2015 WMS. This instructed Local Authorities not to go beyond energy performance standards set out under what was then known as the “Code for Sustainable Homes Level 4”. The Council’s position has consistently been that this 2015 WMS should not be given full weight, and nor should it prevent the Council from pursuing its own net zero policies (particularly in the context of the Government’s own 2021 Net Zero Strategy).

- 3 On 13th December 2023 the Government published a WMS entitled ‘Planning – Local Energy Efficiency Standards Update’. This new WMS makes clear that the Government will not support Local Authorities in setting planning policies that takes energy efficiency standards beyond those set out in the Building Regulations, particularly in light of updated Regulations which are due to come into force in 2025 (via the Future Homes Standard). An excerpt of the WMS is provided below:

“The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).”*

- 4 The standards proposed in the draft Future Homes Standard for 2025 are not zero carbon standards and are instead described as net zero ‘ready’, meaning that they are reliant upon the national grid being decarbonised before those homes could be considered zero carbon. Two separate standards are proposed within the Future Homes, which began consultation on 13th December 2023. As such, there is no certainty at this stage what the eventual 2025 standard will be. It is, however, understood that neither option proposes to increase the standards of fabric efficiency as set out within *existing* building regulations, and it is likewise understood that one of the two options in the new standards would not require solar panels to be installed on residential properties. It is, therefore, considered that the proposed Future Homes Standard falls significantly short of the approach proposed through policy EN1B of the Leeds Local Plan Update.
- 5 The consultation on the Future Homes Standard closes on 6th March and a response will be submitted by the Council. It is suggested that this response notes the inconsistency between the declared Leeds Climate Emergency in relation to the authorities’ carbon budget and the Government’s pace of net zero progress, the critical importance of net zero buildings as part of bridging that carbon budget gap and the frustration felt by ambitious local authorities, who are seeking to deliver improvements locally but are seemingly being impeded by national policy changes.

- 6 Irrespective of the Future Homes Standard, the 2023 WMS presents a significant risk to the adoption of the Local Plan Update as currently drafted, as policy EN1B sets a zero carbon standard incorporating ambitious Energy Use Intensity targets, which are not necessarily consistent with the provisions of the WMS. As set out above, one of the Tests of Soundness for Local Plan Examination (and for Plans to be submitted for Examination), is that Plans are considered 'sound' if they are 'Consistent with national policy'. The Government has made clear that they consider WMS to be an expression of national policy. Therefore, the WMS is of importance to the soundness of the Local Plan Update.
- 7 The WMS will have significant implications for roughly 70 Local Authorities which are currently preparing net zero policies through their Local Plans. Officers are therefore working closely with similarly affected Local Authorities to better understand what approaches might be taken and how other authorities are responding.
- 8 As set out within the quoted section in paragraph 3, the WMS does introduce caveats to enable authorities to go beyond Building Regulations where they can demonstrate the viability of their Plans, and where the improvement is expressed as a percentage improvement over the target Emissions Rate of buildings. The Council is confident in the viability evidence that has been developed to accompany the Plan and likewise, as expressed by Members of Development Plan Panel consistently throughout the preparation of the Local Plan Update, is confident in the evidential basis which justifies going beyond Building Regulations to achieve net zero developments in Leeds. However, the WMS will raise the bar on this matter at examination and it is therefore imperative that the viability evidence is robust and also that the Council understands the specific weight that the WMS provides over and above the approach to viability as set out in the NPPF.
- 9 Moreover, with regard to the second bulleted caveat, policy EN1B is not expressed in the terms required by the WMS. The reason for this divergence is that, as previously reported to and supported by Members of Development Plan Panel, the policy not only focusses on achieving net zero development but also requiring high standards of energy efficiency by setting ambitious Energy Use Intensity targets. These have been developed in response to issues presented by the costs of heating and powering homes being exacerbated by the 'Cost of Living crisis'.
- 10 A number of routes therefore present themselves, if the Council is to continue to pursue adopting planning policy requiring net zero development. Most obviously, a redrafting of the current policy to ensure explicit consistency with the WMS will require a delay for re-drafting and most likely a further round of consultation. Other options include continuing with the existing policy, however this would incur significant risks of the policy not being found sound and ultimately potential delay and cost.
- 11 The Council are in contact with the Town and Country Planning Association (TCPA), who are coordinating discussions with all Local Authorities who are similarly affected by the WMS. The clear message from the TCPA is that, in spite of the WMS, Local Authorities should continue to pursue net zero policies.

Local Plan Update Pre-Submission Changes Consultation

- 12 The Pre-Submission Changes Consultation on the Local Plan Update was presented to Development Plan Panel on 26th September 2023 and was subject to public consultation for six weeks between 30th October to 11th December 2023. This was a technical consultation that focussed on detailed amendments to the existing draft policies that had previously been consulted on in Winter 2022.

- 13 In terms of the consultation, 44 responses have been received, including comments from: statutory consultees such as Natural England and the Environment Agency; housebuilders and the wider development industry; members of the public and local action groups; and from local institutions such as the University of Leeds.
- 14 Whilst this response rate is significantly lower than has been recorded for previous consultations, it should be remembered that this was a consultation on detailed and technical wording changes to specific policies. It was therefore anticipated that response rates would be lower than for more general Local Plan consultations. More importantly than the overall response rate is the fact that responses have been received from a wide variety of stakeholders and include a great deal of detailed and carefully considered responses that enable the Council to understand views on the latest draft of the policies and also help us better prepare for the likely lines of enquiry at the Examination in Public.
- 15 To support the Local Plan Update Pre-submission Changes consultation a multi-channel marketing campaign was utilised to drive engagement. This included an extensive organic social media campaign across a variety of council and partner social media accounts, as well as local media engagement and press activity. This drove traffic to the consultation website, which saw nearly 10,000 views from over 2,000 unique users.
- 16 Members should note that as the WMS was published two days *after* the consultation closed. Consequently, no formal representations were received regarding the effect the WMS might have on the policies as currently drafted.
- 17 At the time of writing this report a detailed analysis of all representations has not been completed. However, this is expected to be completed over the next month. This will then be presented to Members of Development Plan Panel at the next earliest opportunity with recommendations for any further amendments that may be required before submission of the Plan.
- 18 Below is a brief summary of some of the issues raised as part of the consultation, on a per topic basis:
- 19 Carbon Reduction
- i. Support from the University of Leeds for the changes proposed, including the transition policy, and strong support for the policy provisions that require new developments to be fossil-fuel free,
 - ii. Concerns raised by the development industry on the policy intention to require a full consideration of a building being re-used before demolished for new development,
 - iii. Concerns raised by the development industry that the proposed approach to delivering net zero development is not consistent with recent Inspector decisions in Lancaster.
 - iv. Objections from the development industry that net zero requirements should apply to changes of use and conversions,
 - v. Some support from the development industry to the transition period,
 - vi. Remaining concerns from the development industry on the viability evidence accompanying the Plan.
 - vii. Requests by Wakefield City Council for further clarity to be inserted into the policy that would require the impacts of solar farm proposals are identified and mitigated in affected communities in adjacent districts.

20 Flood Risk

- i. Support for all flood risk policies from the Leeds Chamber of Commerce,
- ii. Objections from the development industry to applying water consumption targets to all residential development,
- iii. Some concerns raised by the industry about the consistency of draft policies with national policy [for clarity, the proposed changes in the Plan reflect recent changes to the National Planning Practice Guidance, which the industry may not be cognisant of],
- iv. Concerns raised by the NHS that they should be exempt from the water consumption requirements [for clarity, the standard is only designed to apply to residential schemes so it is not considered that this will impact upon the NHS in any event],
- v. Many comments from the development industry re-iterating comments made at the previous Publication draft stage, but not commenting on the recent changes specifically,
- vi. Some support from the Environment Agency but also requests for further detailed changes that are largely technical in nature.

21 Green and Blue Infrastructure

- i. Support from the Leeds Local Access Forum on the inclusion of Public Rights of Way into the factors to be considered through a Green & Blue Infrastructure Assessment,
- ii. Detailed changes requested by the Leeds Swift group to the new policy on Species Biodiversity Enhancements, in order to make the policy more effective at providing new habitats,
- iii. A request from the Conservative Group to make explicitly clear that the 10% biodiversity net gain is mandatory and that schemes that do not meet this should be refused,
- iv. Concerns raised by the development industry that the updated tree replacement policies are unlikely to be achievable on-site and will be viable if treated through commuted sums,
- v. Comments from the development industry that policies on biodiversity net gain (BNG) require further revision in light of recent Government announcements [For clarity, officers are currently considering the implications of recent Government announcements (including guidance and secondary legislation) on BNG which emerged after the LPU consultation material was finalised and continues to emerge].
- vi. Concerns raised by Leeds Bradford Airport that the latest mapping identifying Strategic Green and Blue Infrastructure would restrict future development at the airport,
- vii. Concerns raised by a member of the public that the policies do not clearly define the distinction between strategic and non-strategic green and blue infrastructure.

22 Placemaking

- i. The British Horse Society request that policy P10 should make reference to horse riding, alongside other vulnerable road users,
- ii. The NHS support the updated policy on Health Impact Assessments,
- iii. Concerns raised by the University of Leeds that the removal of the term '20 Minute Neighbourhoods' may weaken the intent of the policy, but support for the overall policy direction as re-drafted.
- iv. Support from Historic England on the Tall Buildings element of updated policy P10,
- v. A mixed reaction from the development industry on the revision towards 'Complete, Compact and Connected Places', with some representations welcoming the change, as well as some requesting that consideration be given to the role of new development in delivering new infrastructure for communities,
- vi. Concerns raised by the development industry that re-drafted policy SP1B set requirements that outline applications would be unable to satisfy,

- vii. Objections from the development industry that requirements for play sufficiency facilities, as currently drafted, should not apply to all forms of development, such as offices,
- viii. General support from the development industry that the change to policy SP1 has been removed.

23 Sustainable Infrastructure

- i. Broad support for changes to policy SP11A (Mass Transit and Rail Infrastructure), however some specific concerns raised by the West Yorkshire Combined Authority and the Climate Action Leeds
- ii. General support for the removal of policy DC1 in light of recent changes to the Building Regulations.

24 Officers will continue to review and analyse all duly made representations. In light of the issues raised with the Written Ministerial Statement as well as changes to national Biodiversity Net Gain guidance and comments from statutory consultees like the Environment Agency, it is considered likely that changes to some policies will be required before the Plan is submitted for Examination.

What impact will this proposal have?

25 This report is provided as an interim update to the Local Plan Update Pre-Submission consultation, with a more comprehensive update to be provided at the next available opportunity, in addition to an update on national policy regarding energy efficiency, in the form of a recently published Written Ministerial Statement. As such, there are no proposals presented as part of the report.

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing
 Inclusive Growth
 Zero Carbon

26 This report is an update and does not contain a proposal. However, the adoption of the Local Plan Update has a clear and supportive impact on all three of the pillars of the Best City Ambition as has been noted in previous DPP papers on this matter.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

27 The Local Plan Update Pre-Submission Changes was subject to public consultation for six weeks between 30th October to 11th December 2023. This report provides an interim update on some of the responses that were received to that consultation.

What are the resource implications?

28 This report is an update and there are no resource implications as a result of this report. However, how the Council seeks to respond to the provisions laid out within the WMS may have some resource implications. These will be reported to Development Plan Panel at a future date.

What are the key risks and how are they being managed?

29 This report is an update and no direct risks emerge from this report. However, there are risks attached to how the Council seeks to respond to the provisions of the WMS. One of the Tests of Soundness for Local Plan Examination is that Plans are considered 'sound' if they are 'Consistent with national policy'. The Government has made clear that they consider WMS to be an expression of national policy. Therefore, the WMS is of relevance to the soundness of the Local Plan Update.

What are the legal implications?

30 This report is an update and there are no legal implications arising of this report specifically. However, as per other implications listed above, how the Council responds to the WMS will need to take account of legal advice.

Options, timescales and measuring success

What other options were considered?

31 This report is an update and does not require a decision and as such no formal options are considered at this stage.

How will success be measured?

32 Ultimately success on this matter will be measured by the adoption of the Local Plan Update.

What is the timetable and who will be responsible for implementation?

33 This report is an update and there is no decision to be implemented at this time. However, it is likely that the WMS will result in some form of delay to the Local Plan Update if the policy is required to be amended and subject to further consultation. This delay would be in the region of up to 6 months.

Appendices

- None

Background papers

- None

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National Planning Changes

Date: 30th January 2024

Report of: Chief Planning Officer

Report to: Development Plan Panel

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

On 19 December 2023, the Government published a revised National Planning Policy Framework (NPPF) document. On 26 October the Levelling Up and Regeneration Act (LURA) became law.

The changes to the NPPF are mainly focussed on housing delivery. The changes proposed through the LURA are wide ranging and include: new design codes, infrastructure levy, introducing National Development Management policies, removing the Duty to Cooperate, introducing Environmental Outcome Reports as a replacement for Strategic Environmental Assessment and introducing street votes.

Members are asked to note the report.

Recommendations

- a) That members note the contents of this report

What is this report about?

- 1 This report is about changes to the National Planning Policy Framework (NPPF) which was published on 19 December 2023 and changes arising from the Levelling Up and Regeneration Act (LURA) which was enacted on 26 October 2023. There were also some wider changes announced at the same time e.g. to Planning Policy for Travellers guidance.
- 2 The NPPF sets out the Government's economic, environmental and social planning policies for England. The policies set out in the framework apply to the preparation of local and neighbourhood plans and to decisions on planning applications. The NPPF covers a wide range of topics including: housing, business, economic development, transport and the natural environment.
- 3 The Council, in consultation with members of DPP, responded to the consultation draft of the NPPF in February 2023, raising concerns about: changes to plan-making, the likely delivery of plans within 30 months and the manner in which communities were to be engaged in the process. DPP discussed plan-making reforms at its meeting on 26 September 2023.

- 4 The Levelling Up and Regeneration Act (LURA) became law from 26 October 2023. The LURA, alongside other planning legislation, sets the legal framework within which the planning system operates. The changes proposed through the LURA are wide ranging and include: new design codes, infrastructure levy, introducing National Development Management policies, removing the Duty to Cooperate, introducing Environmental Outcome Reports as a replacement for Strategic Environmental Assessment and introducing street votes.

What impact will this proposal have?

National Planning Policy Framework

- 5 The NPPF amendments focus on housing delivery, but there are also some changes to details on plan-making, design, agricultural land, energy efficiency and implementation. The key points are summarised below and it is noted where they align with the existing Local Plan, Leeds Local Plan Update (LPU) and Leeds Local Plan 2040 (LLP2040). Some of these are not changes to the NPPF but cover proposed changes in the consultation draft that have subsequently not been adopted by the Government.

Plan Making

- 6 One of the most significant proposed changes in the consultation draft was the removal of the requirement that local plans needed to be “justified” and based on evidence alongside reasonable alternatives. The Council in its response opposed this and the Government has changed its mind, leaving the soundness tests unchanged.
- 7 The guidance introduces a new strategic objective to “*ensure outcomes support beauty and placemaking*”. This aligns with the direction of travel of LPU policies.

Delivering a sufficient supply of homes

- 8 Whilst the NPPF retains the need for planning to “*support the Government’s objective of significantly boosting the supply of homes*” it adds that “*the overall aim should be to meet as much of an area’s identified housing need as possible...*”. This is being seen by some commentators as a softening of the Government’s approach to meet its overall targets for housing growth. Helpfully the guidance also notes that the overall aim should be for “*an appropriate mix of housing types for the local community.*” This aligns with the approach that the Council is taking to LLP2040.
- 9 The approach to a standard method for assessing housing delivery has been retained and forms the starting point for the consideration of housing needs. However, the standard method incorporates an uplift into the NPPF which had previously been advised in National Planning Practice Guidance, which applies to certain cities and urban centres. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in the Framework. This would increase housing targets in Leeds by 35% and will be considered through LLP2040.
- 10 There is now no requirement to maintain a 5-year housing land supply if a plan is under 5 years old and the plan identified a 5-year supply at examination. For Leeds the Council can demonstrate a 5-year housing land supply and it is within 5 years of plan adoption, but from July 2024 onwards there will be a need to ensure that this 5-year supply is maintained. In addition, and in order to support progression in plan-making, the NPPF also notes that for LPAs with a local plan that is in production (i.e. Regulation 18 stage or beyond) with allocations the 5-year

supply requirement is made easier by only needing to identify a minimum of 4 years' worth of housing. This is set out in para 226, but as written is not clear; since 4 years' worth of housing, when set against a 4 year housing target would not necessarily be any easier to demonstrate than 5 years' worth of housing against a 5 year housing target. An easier test would be a requirement to meet 4 years' worth of a 5 year housing target, but that is not what the NPPF says and it may be that further clarity emerges on this.

- 11 The Government had previously suggested that historic over-delivery of housing should be used as a reason for not meeting needs in full. This has been abandoned.

Green Belt

- 12 The NPPF makes minor amendments to the Green Belt section and states that *"Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process."* In effect this does not materially change the previous intent of the original NPPF.

Design and Character

- 13 Another of the most significant proposed changes in the consultation draft was that local plans need not meet needs in full *"where meeting need in full would mean building at densities significantly out of character with the existing area"*. Again, the Council raised concerns about this, its deliverability in practice and noted that Design Coding would be the means through which such a balance would be reached. This has now been abandoned and instead changes are made to general density policies in existing urban areas, where the new guidance states: *"significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan."* The City Council is preparing a Design Code.

Conclusions

- 14 The changes in the NPPF are enacted from 20 December 2023. In sum the changes are not as radical as they had been in the consultation version of the guidance. The changes are fairly limited and there is the prospect of more changes arising from further consultation that the Government held in 2023 on plan-making.
- 15 It is noted that there are few changes to the NPPF on climate change policies and the role that the planning system plays in mitigating and adapting to climate change and the weight to be given to this. This has been a point made to the Government by the Council through various consultations. The difficulty this creates is one of certainty for local authorities who choose to adopt locally specific climate change policies that are not framed by the NPPF. One such example is noted in a report on the Leeds Local Plan Update elsewhere on the agenda about a recent Written Ministerial Statement on energy efficiency. Due to a lack of clarity from the NPPF the Government has found it necessary to supplement its national guidance through this route.

Other measures and announcements

16 The Government has also announced that other measures, which had been proposed as a part of planning system changes, remain paused at the current time pending further consideration. These measures relate to:

- a) Build out rates of development
- b) A review of the statutory consultee system due to worries about “delays and procrastination” of the Government’s statutory bodies such as National Highways, Natural England, Historic England and the Environment Agency
- c) Increasing focus on social housing
- d) Changing the way that the NPPF treats the consideration of embodied carbon in material

17 On 19 December Michael Gove also made some significant wider planning announcements:

- a) Measures to tackle poor performance on planning in local authorities. First, the Government would publish league tables, ranking planning authorities by performance – showing speed of response, level of approvals, and delivery of targets
- b) In relation to the 2022 Housing Delivery Test 20 local authorities are subject to the presumption in favour of sustainable development as a consequence of poor housing delivery and are to be taken into special measures on the basis of poor performance in housing delivery
- c) The Secretary of State also placed two local authorities (Fareham and Chorley) in special measures where they were stripped of their planning powers because they had had too many decisions overturned on appeal
- d) A further 5 councils fell under the threshold of quality decisions and are on notice but not in special measures
- e) The Secretary of State also threatened 7 local authorities with special measures as a result of slow plan making process, where they have either struggled to pull a plan together or withdrawn an advanced plan
- f) The Secretary of State also said that Government would clamp down on extension of time agreements and be required to determine more applications within the statutory 13 week period. In a WMS which accompanied the announcements the Minister said he would seek to constrain extension of time agreements in due course.

Levelling Up and Regeneration Act

18 The main changes that impact upon strategic planning include:

- a) Local planning authorities will be required to have a design code in place covering their entire areas – this would fit well with the direction of travel of LPU1 and progress is being made on scoping what this would look like for the District. Members were updated on this at a recent workshop event in December.
- b) A new levy will replace section 106 planning obligations and the Community Infrastructure Levy. This is a significant and wholesale change for which Government has identified a need for a transition and pilot authorities to test the new approach. In the meantime, the existing system remains.
- c) A new requirement will be placed on local authorities to prepare infrastructure delivery strategies to outline how they intend to spend the levy. This aligns with the current approach to preparing Infrastructure Funding Statements which the Council does annually.
- d) The scope of local plans will be limited to ‘locally specific’ matters, with ‘issues that apply in most areas’ to be covered by a new suite of national development management policies (NDMP). The guidance notes that general policies on issues that apply in most areas (such as general heritage protection) will be set out nationally and contained in a suite of NDMPs, which will have the same weight as plans so that they are fully taken into account in decisions.

Local plans will not be allowed to change them. The NDMPs will not be subject to parliamentary approval, which was a suggestion by the House of Lords, but they will be consulted on. It remains to be seen what shape and form these take and how specific they are.

- e) The Duty to Cooperate will be replaced with an alignment test, but there is no detail on what this is or how it will operate. In the meantime Leeds and the other Leeds City Region authorities continue to meet on a bi-monthly basis to discuss strategic matters and feed into the Combined Authorities Heads of Planning meeting.
- f) EU processes on environmental impact assessment (EIA) and strategic environmental assessment (SEA) will be replaced by 'environmental outcomes reports', but there is limited detail on how these will work in practice at the current time.
- g) Instead of a neighbourhood plan some areas may use a new neighbourhood planning tool called a 'neighbourhood priorities statement', providing communities with a simpler and more accessible way to set out their key priorities and preferences for their local areas. This has been tested in Leeds and it is hoped will encourage communities to engage on specific issues and not daunted by the challenges of preparing wide ranging documents. In its testing in Leeds it was particularly noted that this would be a helpful way to encourage non-parished inner city areas to engage more on neighbourhood planning.
- h) The compulsory purchase order system will be changed and the accompanying notes of the legislation state that this would empower local decision-making and improve transparency regarding local authorities' power to acquire brownfield land compulsorily for regeneration in their area

19 There is also an emphasis on the speeding up of the planning application process and the delivery of new development with changes of relevance to Development Management. These include:

- a) New requirement for developers to submit commencement notices to LPA's specifying the date that development is expected to start. Failure to serve a notice is an offence liable to a summary conviction of up to £1000.
- b) Completion notices – introduces the power to issue completion notices if a development is being built out 'unreasonably slowly'.
- c) The power to decline to determine planning applications is broadened out to include cases of earlier non-implementation or unreasonably slow build out.
- d) The power to impose mandatory conditions on planning permissions for specified residential developments relating to the provision of annual development progress reports.
- e) A change to the statutory test for the determination of planning applications placing a greater emphasis on compliance with the development plan and national development management planning policies and only to depart from such policy if material planning considerations strongly indicate otherwise.
- f) Introduction of a new section 73B to the Town and Country Planning Act 1990 (TCPA 1990) to make "non-substantial changes" to planning permissions. This can include making changes to the description of development and the conditions, so long as these are not "substantially different from that of the existing permission". This will introduce greater flexibility for applicants as it will plug the gap between wholly new planning permissions and what are often termed "minor material amendments" under section 73 of the TCPA.
- g) Time limits for breaches of planning control - the time limit for immunity from enforcement against breaches of planning control in England will become 10 years (currently 4 years) for enforcement of building operations and unauthorised change of use of a building to a dwelling.
- h) Enforcement warning notices are a new discretionary measure as a pre-step before enforcement proceedings in those circumstances where a planning application is encouraged to be submitted to avoid the need to take other enforcement action.

20 Not all of this comes into force immediately and the majority of proposals rely on secondary legislation, which is not set out. For some provisions e.g. measures to put more pressure on developers to build out schemes that they have for planning permission for more quickly, have a timetable for secondary legislation, but most do not.

Planning for Travellers

21 Changes to Planning Policy for Travellers Sites have been made which change the definition of Travellers as with those of travelling background not just those who are currently traveling. This is due to the previous definition being successfully challenged in the High Court. This is to be welcomed, as the Council had previously written to Government expressing concerns at the changed definition.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

22 The NPPF sets national policy within which the Council must prepare its Local Plan. The NPPF sets out policies which are relevant to each of the Council's three pillars and the Council's Local Plan provides weight to them depending on their local importance.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

23 This report is to be noted. No Council consultation has taken place.

What are the resource implications?

24 There are no specific resource implications to this report.

What are the key risks and how are they being managed?

25 No issues of risk are identified within the recommendations in this report. Changes to the NPPF may raise a number of specific risks that will be dealt with on a case by case basis, but there are no significant risks arising from the amended NPPF because the Council has worked to pre-empt these changes and in many cases e.g. on design and housing numbers, they fit with how the Council's approach has been developed.

What are the legal implications?

26 The changes to the planning system will raise a number of specific legal issues including a need to amend the material weight given to specific parts of national policy on plan-making and decision making. These matters will be assessed on a case by case basis to align plan-making and decision-making with the amendments to the NPPF to ensure sound legal decision making.

Options, timescales and measuring success

What other options were considered?

27 There are no options within this report.

How will success be measured?

28 Success will be measured through the adoption of Local Plan documents in line with the revised NPPF and determination of planning applications.

What is the timetable and who will be responsible for implementation?

29 The NPPF changes apply from 19 December 2023. The Planning and Sustainable Development Service will be responsible for their implementation.

Appendices

- None

Background papers

- None

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